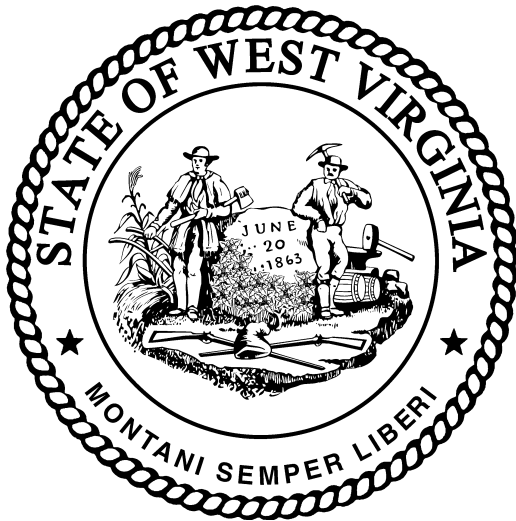


A SYNOPSIS OF West Virginia BOATING RULES AND LAWS



**(Issued under the provision of Chapter Twenty
of the Code of West Virginia as amended)**

REVISED April 2003

NOTICE

Boaters should be aware that on the Jennings Randolph Lake, located in Mineral County, West Virginia, and Garrett County, Maryland, both states have Law Enforcement Jurisdiction.

Special regulations available at:

West Virginia Division of Natural Resources
Law Enforcement Section
1 Depot Street
Romney, West Virginia 26757

West Virginia Department of Transportation Website:
www.dot.state.wv.us

West Virginia Division of Natural Resources Website:
www.dnr.state.wv.us

ENFORCEMENT

Every officer having the authority to enforce the provisions of chapter twenty and related regulations, may, within their respective jurisdiction, enforce the provisions of these regulations and shall have the same authority as a Conservation Officer to stop and board any vessel for the purpose of making inspections and examinations to carry out the provisions of these regulations.

SECTION I. AUTHORITY

The following is a synopsis of the West Virginia Code and accompanying regulations promulgated by the Director of the Division of Natural Resources and the Commissioner of the Division of Motor Vehicles under authority granted by article seven, chapter twenty (§20-7-22 and §20-7-23) of the West Virginia Code, 1931, as amended. The most recent revisions to the regulations became effective on May 15, 1996.

SECTION II. DEFINITIONS

A. "Coast Guard Approved" - means equipment that has been approved by the Commandant of the United States Coast Guard after the equipment has been determined to be in compliance with Coast Guard specifications and regulations relating to the materials, construction, and performance of equipment. The equipment must bear the approval stamp of the United States Coast Guard.

B. "Commissioner" - means the Commissioner of the Division of Motor Vehicles.

C. "Director" - means the Director of the Division of Natural Resources.

D. "Division" - means the Division of Natural Resources.

E. "Fixed System" - means a Coast Guard Approved fixed fire extinguisher system in a vessel's engine compartment.

F. "Government-owned Reservoir" - means a natural or artificial impoundment, lake, pond, or reservoir that is partially or wholly within the territorial limits of West Virginia and is owned or administered by the federal government or by the State or any political subdivision of the State.

G. "Motorboat" - means any vessel, including personal watercraft, propelled by an electrical, steam, gas, diesel or other fuel propelled or drive motor, whether or not such motor is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States government or any federal agency successor thereto.

H. "No-Wake Speed Zones" - means an area restricting motorboats from attaining a speed that would produce a wake which would noticeably disturb other motorboats or other vessels, docks, piers, or any other shoreline facility within the designated area.

I. "Open Boat" - means a vessel on which all engine compartments, fuel tank compartments, and other spaces to which explosive or flammable gases and vapors may flow are open atmosphere and so arranged as to prevent the entrapment of the gases and vapors within the vessel.

J. "Open to the Atmosphere" - means a compartment that has at least fifteen (15) square inches of open area directly exposed to the atmosphere for each cubic foot of net compartment volume.

K. "Operate" - means to navigate or otherwise use a vessel.

L. "Personal Watercraft" or "PWC" - means a small class A vessel which uses an

outboard motor or an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel rather than the conventional manner of sitting or standing inside the vessel.

M. "Owner" - means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

N. "Racing Shell" or "Rowing Scull" - means a manually propelled vessel, recognized by a national or international racing association for use in competitive racing, in which all occupants, except a coxswain, row, scull, or paddle and which is designed and equipped solely for competitive racing.

O. "Vessel" - means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

P. "Visible" - means visible on a dark night with a clear atmosphere.

Q. "Waters of this State" - means any public waters within the territorial limits of this State to include that portion of the Ohio River which flows along the boundary of this State.

SECTION III. PERSONS SUBJECT TO THESE REGULATIONS

All persons operating a vessel or vessels on the waters of this State and all persons classified as owners within the meaning of subsection M, section II of these regulations.

SECTION IV. MOTORBOATS REQUIRING NUMBERING BY THE STATE OF WEST VIRGINIA

1. All motorboats, as defined in subsection G, section II of these regulations, and operating on the waters of this state must be numbered in accordance with the provisions of chapter twenty of the Code of West Virginia, 1931, as amended, and the applicable sections of the regulations promulgated thereunder.

SECTION V. EXCEPTIONS FROM NUMBERING PROVISIONS

A. Public vessels of the United States, State, and Municipal vessels and ships. Lifeboats shall be exempt from the numbering provisions of these regulations.

B. Motorboats covered by a number in full force and effect awarded pursuant to a federally approved numbering system of another State, provided that such motorboat shall not have been within this State for a period in excess of sixty (60) consecutive days, shall be exempt from the numbering provisions of these regulations.

C. A motorboat from a country other than the United States, temporarily using the waters of this State, shall be exempt from the numbering provisions of these regulations.

D. Motorboats used exclusively for racing while participating in races, and the preparation therefor, which have been authorized pursuant to the provisions of chapter twenty of the Code of West Virginia, 1931, as amended, shall be exempt from the numbering provisions of these regulations.

E. Non-motorized vessels are not required to be titled or registered.

SECTION VI. APPLICATION FOR TITLE AND NUMBER

A. Effective July 1, 1989, the Division of Motor Vehicles will title and collect privilege tax on any motorboat that is purchased in West Virginia. The Division of Motor Vehicles is required to provide certificates of title for all motorboats purchased after the July 1 date. Any motorboat which was registered in West Virginia prior to the above date, is not required to be titled unless there is a change of ownership. Any person who currently has a motorboat, and wishes to apply for a title, may do so by completing the proper applications furnished by the Division of Motor Vehicles. A vessel without a motor is not required to be registered or titled.

The owner of each motorboat requiring numbering by the State shall file an application for title and number with the Commissioner. Applications may be obtained from the Division of Motor Vehicles, Building 3, Capitol Complex, Charleston, West Virginia 25317 and all DMV Branch Offices, a licensed recreational vehicle dealer, and the Division of Natural Resources.

The application for title must be completed and signed by the owner of the motorboat, and submitted to the Division of Motor Vehicles along with the proper fees and forms requested by the Division of Motor Vehicles.

B. Should the ownership of a motorboat change, a new application for title shall be filed with the Commissioner on the proper forms and a new certificate of title will be issued. The number shall be identical with the previous one, except where a lienholder acquires title and lawful possession by virtue of his/ her lien, in which case a new number shall be issued.

SECTION VII. CERTIFICATE OF NUMBER

A. Should the ownership of a motorboat change, the current number and decal will expire.

B. Such certificate of number and registration shall be **valid only until the last day of March in the year indicated** on the registration card and the accompanying sticker. If, at the end of the registration period, ownership has remained unchanged, such owner shall renew their current registration, at which time a renewed registration and decal will be issued for an additional three year period.

C. The owner shall furnish the Commissioner notice of the destruction or abandonment of such motorboat within fifteen (15) days thereof.

D. Any holder of a certificate of number shall notify the Commissioner within fifteen (15) days, if his or her address no longer conforms to the address appearing on the certificate and shall, as part of such notification, furnish the Commissioner with the new address.

E. The certificate of number shall be pocket size and available at all times for inspection whenever such motorboat is in operation.

F. Proof of payment of personal property tax must accompany the application for renewal. If the applicant feels taxes are not due on a motorboat, an affidavit of exemption, available at the county assessor's office, must be presented in lieu of the tax receipt.

G. Motorboat registration fees are determined by the boat classification as outlined in SECTION IX and are as follows:

Class A	\$30.00
Class 1	\$45.00

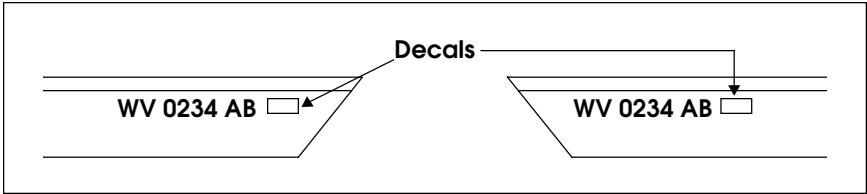
Class 2	\$60.00
Class 3	\$75.00

NOTE: Boats with motors of less than three (3) horsepower or electric motors of less than 28 pounds of thrust are required to be registered with the State but there is no fee for this registration.

SECTION VIII. VESSEL REGISTRATION NUMBER

A. The number issued pursuant to these regulations shall be in accordance with the pattern described in this subsection.

1. The vessel registration number shall be divided into three parts, for the purpose of providing a combination of numerals and letters which furnish individual vessel registration numbers.
2. The first part of the number shall be an abbreviation in capital letters of the State of West Virginia - WV, and shall be followed by an equivalent space.
3. The second part of the number shall be a group of digits consisting of four Arabic numerals appearing after the letters WV, and shall be followed by an equivalent space.
4. The remainder of the number shall consist of no more than two capital letters, in sequence, in accordance with the serials numerically and alphabetically. As example:



5. Since the letters "I", "O", and "Q" may be mistaken for Arabic numerals, all letter sequences using "I", "O", and "Q" shall be omitted. Objectionable words formed by the use of letters will not be used.

B. Display of numerals and decals on vessel.

1. The number awarded, exactly as shown on the certificate of numerals shall be painted on, or attached to, each side of the bow of the vessel for which it was issued.
2. The numerals shall be placed on each side of the forward half of the vessel in such position as to provide clear legibility for identification. The numerals shall read from left to right and shall be in block characters of good proportion not less than three inches in height. The numerals shall be of a color which will contrast with background, and so maintained as to be clearly visible and legible; i.e., dark numerals on a light background or light numerals on a dark background.
3. The Commissioner will furnish to all applicants two (2) decals bearing the numbers of the year of expiration, which will establish valid registration. The decals are to be displayed on each side of the boat (within 6 inches) immediately following the assigned West Virginia number.

SECTION IX. CLASSIFICATION OF VESSELS

Motorboats and/or vessels subject to the provisions of these regulations shall be divided into four classes, as follows:

Class A Less than sixteen feet in length and all personal watercraft as defined in Section II of these regulations, regardless of horsepower of motor or machinery.

Class 1 Sixteen (16) feet or over and less than twenty-six (26) feet in length, regardless of horsepower of motor or machinery.

Class 2 Twenty-six (26) feet or over and less than forty (40) feet in length, regardless of horsepower of motor or machinery.

Class 3 Forty (40) feet or over regardless of horsepower of motor or machinery.

SECTION X. REQUIRED EQUIPMENT

A. Lights. Every vessel in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited.

1. Every motorboat and/or vessel propelled by machinery of Classes A and 1 shall carry the following lights:

a. A bright light aft to show all around the horizon.

b. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

2. Every motorboat and/or vessel propelled by machinery of Class 2 and 3 shall carry the following lights:

a. A bright white light in the fore part of the vessel as near the stern as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side.

b. A bright light aft to show all round the horizon and higher than the white light forward.

c. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

3. Motorboats and/or vessels of Classes A and 1 when propelled by a sail alone shall carry the combined lantern, but not the white light aft, prescribed by this subsection. Motorboats of classes 2 and 3 when propelled, shall carry the colored side lights, suitably screened, but not the white lights prescribed by this subsection. Motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

4. Every white light prescribed by this subsection shall be of such character as to be visible at a distance of at least two (2) miles. Every colored light prescribed by this subsection shall be of such character

as to be visible at a distance of one (1) mile.

5. When propelled by sail and machinery every vessel shall carry the lights required by this subsection for a motorboat propelled by machinery only.

6. Any vessel may carry and exhibit the lights required by the Federal Regulations for Preventing collisions at Sea, one thousand, nine hundred, forty-eight, Federal Act of October eleven, one thousand, nine hundred, fifty-one, (33 USC 143-147d) as amended, in lieu of the lights required by this section.

7. Manually propelled vessels shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

B. Personal Flotation Devices

1. Except for personal watercraft, Class A vessels must carry a Type I, II, or III personal flotation device for each person on-board or being towed.

2. Motorboats and other vessels of Class 1, 2, or 3 must carry a Type I, II or III personal flotation device for each person on board or being towed and at least one Type IV personal flotation device. Canoes and kayaks 16 feet in length and over are exempt from the requirements of this subdivision for carriage of the additional Type IV personal flotation device.

3. Any person operating, riding as a passenger, or being towed behind a personal watercraft must wear a Type I, II, III, or V personal flotation device.

4. All personal flotation devices prescribed above must be Coast Guard Approved and must be maintained in a good and serviceable condition. Except for personal watercraft, Type I, II, and III personal flotation devices must be kept readily available for use at all times; Type IV personal flotation devices must be kept immediately available for use at all times.

5. A person aboard a vessel, raft, or tube shall wear a Coast Guard Approved Type I, II, III, or V personal flotation device at all times while underway on the Shenandoah River within the boundaries of the State during the period beginning at 12:01 a.m. each November 15 and ending at 12 midnight each succeeding May 15.

6. Racing shells and rowing sculls are exempt from the provisions of this section.

C. Fire Extinguishers. All fire extinguishers prescribed below must be U. S. Coast Guard Approved, must be fully charged, must be maintained in a good and serviceable condition, and must be readily available for use at all times.

1. Motorboats with no fixed system.

a) Motorboats of Class A or Class 1 must carry at least one (1) Type B-I or Type B-II fire extinguisher unless exempted from this requirement under section C.1.d below.

b) Motorboats of Class 2 must carry either two (2) Type B-I fire extinguishers or one (1) Type B-II fire extinguisher.

c) Motorboats of Class 3 must carry either three (3) Type B-I fire

extinguishers or one (1) Type B-I and one (1) Type B-II fire extinguisher.

d) Motorboats of Class A or Class 1 need not carry a fire extinguisher if the following conditions are met:

1. The construction of the motorboat is such that flammable or explosive vapors cannot be trapped within.
2. The motorboat has no enclosed engine compartments;
3. The motorboat has no permanently installed fuel tanks.

2. Motorboats with a fixed system.

a) Motorboats of Class 2 must carry at least one (1) Type B-I fire extinguisher.

b) Motorboats of Class 3 must carry either two (2) Type B-I fire extinguishers or one (1) Type B-II fire extinguisher.

D. Signaling Devices.

1. Except for personal watercraft, all vessels of Class A or Class 1 must carry a mouth whistle or a power-operated horn or whistle capable of producing a blast of at least two (2) seconds in duration which is audible for a distance of at least one-half (1/2) mile.

2. All vessels of Class 2 must carry a hand-operated or power-operated horn capable of producing a blast of at least two (2) seconds in duration which is audible for a distance of at least one (1) mile.

3. All Vessels of Class 3 must carry a power-operated horn or whistle capable of producing a blast of at least two (2) seconds in duration which is audible for a distance of at least one (1) mile.

4. All vessels of Class 2 or Class 3 must carry a bell which, when struck, produces a clear tone.

E. Ventilation Systems.

1. All motorboats, except open boats, which use gasoline or any other fuel which has a flash point of 110° Fahrenheit or less must have at least two (2) ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment.

2. At least one (1) exhaust duct must be installed that extends from the lower portion of the bilge to the open atmosphere.

3. At least one (1) intake duct must be installed that extends from the open atmosphere to a point that is either at least midway to the bilge or at least below the level of the carburetor air intake.

4. Cowls must be located and trimmed for maximum effectiveness in preventing displaced fumes from being re-circulated.

5. The ventilation requirements of this section do not apply to a fuel tank compartment which:

1. Contains only permanently installed fuel tanks,

2. Vents to the open atmosphere; and

3. Contains only electrical components which are ignition-protection in accordance with 33 CFR § 183.410(a).

6. All vessels built after July 1, 1980, except open boats, which have a gasoline engine for electrical generation, mechanical power, or propulsion must have a ventilation system that meets the requirements of Subpart K of 33 CFR Part 183.

F. Flame Arrestors.

1. The carburetors of motorboats of Class A, Class 1, Class 2, or Class 3 which have a gasoline engine, except outboard motors, must be fitted with a Coast Guard Approved device for arresting backfire flames.

G. Motorboat Muffling.

1. The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner.

2. The use of cutouts is prohibited, except for motorboats competing in a regatta or boat race approved and holding a permit issued by the Director, and for such motorboats while on trial runs during a period not to exceed seventy-two (72) hours immediately prior to such regatta or race, and for such motorboats while competing in official trials for speed records during a period not to exceed seventy-two (72) hours immediately following such regatta or race.

SECTION XI. BOAT LIVERIES

A. The owner of a boat livery shall cause to be kept a record of the name and address of the person hiring any vessel which is designed or permitted by him or her to be operated as a vessel, the identification number thereof, and the departure date and time, and the expected time of return.

B. Neither the owner of a boat livery, nor his or her agent or employee shall permit a motorboat or any vessel designed or permitted by him or her to be operated as a motorboat to depart from his or her premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to these regulations.

C. Numbering Livery Boats.

1. The numbering requirements of these regulations shall apply to livery boats.

2. The certificate of number of a livery boat shall be plainly marked "livery boat".

3. The description of the motor and type of fuel will be omitted from the certificate of number in any case where the motor is not rented with the boat.

D. Any person that rents a vessel to another must be licensed by the Division as required by Legislative Rule § 58 CSR 11.

SECTION XII. PROHIBITED OPERATION

A. No person under the age of fifteen (15) shall operate or be permitted to operate a motorboat or personal watercraft upon the waters of this State, except persons twelve (12) to fifteen (15) years of age may operate a motorboat or personal

watercraft if a person over eighteen (18) years of age is aboard the motorboat or personal watercraft. However, persons twelve (12) to fifteen (15) years of age may operate a motorboat up to a maximum of ten (10) horsepower without having an adult on board.

- 1.** No person who owns a motorboat or personal watercraft or who has charge over or control of a motorboat or personal watercraft shall authorize or knowingly permit a motorboat or personal watercraft to be operated in violation of the boating laws or regulations.
- B.** No person may operate or give permission for the operation of a vessel which is not equipped as required by these regulations.
- C.** No person may operate a vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person.
- D.** No person shall operate any motorboat or vessel while under the influence of alcohol or a controlled substance or drug, under the combined influence of alcohol and any controlled substance or any other drug, or while having an alcohol concentration in his or her blood of ten hundredths of one percent (.10) or more, by weight.
- E.** No person may operate or knowingly permit another person to operate a vessel if that person, by reason of physical or mental disability, is incapable of operating the vessel in a safe manner under all the prevailing circumstances.
- F.** No person may operate or knowingly permit another person to operate a vessel at a rate of speed greater than will permit that person, in the exercise of reasonable care, to bring the vessel to a stop within the assured clear distance ahead. This provision does not apply to the operator of a vessel competing in a regatta which is sanctioned by a permit issued by the Director who is attempting to attain high speeds on a marked race course.
- G.** No person may make a reckless approach to or passage by a dock or ramp, a moored or anchored vessel, or a marked swimming area.
- H.** No person may operate a motorboat at a speed greater than the limits established and properly marked on the waters of a government-owned reservoir or any other waters of this State.

I. PERSONAL WATERCRAFT

- 1.** No person shall operate a personal watercraft unless the lanyard cut-off switch, if so equipped by the manufacturer, is attached to the operator's person, clothing, or personal floatation device.
- 2.** No person shall operate a personal watercraft at any time between sunset and sunrise.
- 3.** All persons shall operate a personal watercraft in a reasonable and prudent manner at all times. Reckless operation is prohibited and includes, but is not limited to the following:
 - a.** Wave jumping in congested areas.
 - b.** Becoming airborne within 100 feet of a vessel creating a wake.
 - c.** Operating at a speed greater than no wake speed within 100 feet of an anchored vessel, shoreline, dock, pier, swim float, marked swim area, swimmers, surfers, persons engaged in angling or manually powered boats.

d. Following too closely in excess of 10 miles per hour within 100 feet to the rear and 50 feet to the side of any other vessel.

J. The provisions of this section do not apply to participants in an approved and permitted regatta, race, marine parade, tournament, or exhibition.

SECTION XIII. RIGHT-OF-WAY

A. When two (2) vessels are approaching each other "head on", or nearly so (so as to prevent risk of collision), each vessel shall bear to the right and pass the other vessel on its left side.

B. When vessels approach each other obliquely or at right angles, the vessel approaching on the right side has the right-of-way.

C. One vessel may overtake another on either side but shall grant right-of-way to the overtaken vessel.

D. When a sailboat and motorboat are operating so as to involve a risk of collision with each other, the motorboat shall yield the right-of-way to the sailboat in all cases.

E. All vessels propelled by machinery shall remain a minimum distance of 100 feet away from the marker flags of "Diver Down Flag". Diver down flag shall be a red field of not less than ten (10) inches with a white diagonal stripe not less than 1 1/2 inches wide running upper left to lower right.

F. All motorboats shall be operated in conformance with the inland navigation rules of the United States Coast Guard.

SECTION XIV. RESTRICTED AREAS

A. No person may anchor a vessel in a position that obstructs a passageway ordinarily used by other vessels.

B. No person may anchor or tie a vessel to any type of navigation aid or buoy.

C. No person may operate a vessel within twenty (20) feet of a person engaged in fishing without first obtaining permission from that fisherman.

D. No person may operate a vessel within twenty (20) feet of the exterior boundary of a water area which is clearly marked by buoys as a swimming area or which is marked by signs or buoys which have been approved by the Director as a restricted area.

1. Swimming areas must be marked with yellow and red colored buoys by the owners of the areas.

E. No person may operate a motorboat at a speed greater than idling speed on established marked no-wake zones on a government-owned reservoir or other water areas which have been approved by the Director.

SECTION XV. OVERLOADING AND OVERPOWERING

A. No vessel may be loaded with passengers or cargo beyond the vessel's safe carrying capacity.

B. The maximum persons capacity marked on a vessel's maximum capacities plate must not be exceeded.

C. The maximum weight capacity marked on a vessel's maximum capacities

plate must not be exceeded.

D. If a vessel does not have a U.S. Coast Guard Maximum Horsepower Capacities Plate provided by the manufacturer, the owner must demonstrate that his or her vessel conforms to the safeloading requirements of Subpart C of 33 CFR, Part 183.

E. No vessel may be operated beyond its safe powering capacity.

F. The maximum horsepower capacity marked on a vessel's maximum capacities plate must not be exceeded.

G. If a vessel does not have a U.S. Coast Guard Maximum Capacities Plate provided by the manufacturer, the owner must demonstrate that his or her vessel conforms to the safe powering requirements of Subpart D of 33 CFR, Part 183.

SECTION XVI. COLLISIONS, ACCIDENTS AND CASUALTIES

A. It is the duty of the operator of a vessel involved in a collision, accident, or other casualty--so far as he or she can do so without damage to his or her own vessel, crew, and passengers--to render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and necessary in order to save them from or minimize any danger caused by the incident.

B. It is the duty of the operator of a vessel involved in a collision, accident, or other casualty to give his or her name, address, and the identification of his or her vessel in writing to any person who was injured during the incident and to the owner of any property damaged by the incident.

C. The operator of any vessel involved in a collision, accident, or other casualty which results in death or personal injury that requires medical treatment beyond first aid, or damage to property in excess of five hundred dollars (\$500) must file a full description of the incident with the Division on West Virginia Boating Accident Report Form MB-3.

D. An accident report in a case involving a loss of life must be submitted to the Division within forty-eight (48) hours of the incident.

E. An accident report in a case involving a reportable injury or property damage must be submitted to the Division within five (5) days of the incident.

F. Accident reports must be submitted in person or by mail to the Division of Natural Resources, Motorboat Safety Section, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305-0668.

SECTION XVII. WATER SKIS AND SURFBOARDS

A. No person may operate or manipulate any vessel, tow rope, or other device by which the direction or location of water skis, surfboard, or similar device may be affected or controlled in such a way as to cause other water skis, surfboard, or similar device, or any person thereon, to collide with or strike against any object or person.

B. No person may manipulate any water skis, surfboard, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of another person.

C. No person shall manipulate any water skis, surfboard, or similar device while under the influence of alcohol or a controlled substance or drug, under the combined influence of alcohol and any controlled substance or any other drug, or while having an alcohol concentration in his or her blood of ten hundredths of one percent (.10) or more, by weight.

D. No person may operate a vessel towing a person on water skis, surfboard, or similar device, nor may any person engage in water skiing, surfboarding, or similar activity at any time between the hours from one (1) hour after sunset to one (1) hour before sunrise.

E. No person may operate a vessel towing a person on water skis, surfboard, or similar device unless:

1. A person at least twelve (12) years of age or older, other than the operator, is on board the vessel in a position to observe the progress of the person being towed; or

2. The vessel is equipped with a wide-angle rearview mirror mounted in a manner that permits the operator to observe the progress of the person being towed.

F. The provisions of subsections D and E above do not apply to a performer in a professional exhibition or to a person engaged in an activity authorized by a permit issued by the Director.

G. No person may operate a vessel on a government-owned reservoir or other body of water while towing a person on water skis, surfboard, or similar device nor may any person engage in water skiing, surfboarding, or similar activity except in the unlimited speed zone.

H. Except as provided below, a person towed by a vessel must wear a Coast Guard Approved Type I, II, or III personal flotation device.

1. A person engaged in barefoot water-skiing may elect, at his or her own risk, to wear a non-Coast Guard Approved barefoot wetsuit designed specifically for that activity.

SECTION XVIII. SKIN AND SCUBA DIVING

A. Waters where diving is permitted; exceptions, Skin and scuba (self-contained underwater breathing apparatus) diving is permitted in all waters in this State, including natural and artificial lakes, except in the following areas:

1. Within one hundred (100) feet of boat ramps, controlled swimming areas, marina areas, and fishing piers marked for use by physically disabled persons;

2. Designated hazard areas;

3. Areas near dams and outlet structures in artificial lakes;

4. Heavily traveled boat lanes;

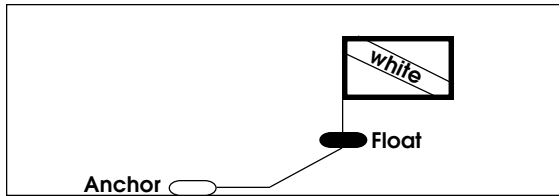
5. Narrow channels; and

6. Areas where visibility is obscured.

B. The provisions of this section shall not apply to professional skin or scuba divers engaged in demolition, salvage, construction, rescue or repair work in the regular course of their business.

C. “Diver Down Flag”; Flag Required; Flag Specifications

1. No person may skin or scuba dive in any waters of the State that are used by motorboats unless the diving area is marked by one “diver down flag” displayed at all times while a diver is in the water.



2. The “diver down flag” shall be a red field with a diagonal white stripe not less than one and one-half (1 1/2) inches wide running upper left to lower right. The dimensions of the flag shall not be less than ten (10) inches X ten (10) inches and the top of the flag shall be at least three feet above the surface of the water.

3. The “diver down flag” shall be anchored and affixed to a separate flotation device. No such flag may be attached to any navigational device or placed so as to obstruct boat traffic.

4. A diver must surface within one hundred (100) feet of the “diver down flag” marking his diving area.

SECTION XIX. SPECIAL REGULATIONS FOR BOATING ON GOVERNMENT-OWNED RESERVOIRS

A. No motorboat or other vessel may be placed upon or operated upon a government-owned reservoir for a fee or profit, either as a direct charge to a second party or as an incident to other services provided by the second party, except as specifically authorized by lease, license, or concession contract with the government agency which manages the reservoir.

B. No motorboat or other vessel containing a sink, toilet, or sanitary system may be launched and operated upon a government-owned reservoir unless the sink, toilet, or sanitary system has been removed, sealed, or made to drain into a tank which can be carried or pumped ashore into a receptacle for disposal away from the lands and waters of the reservoir.

C. A motorboat or other vessel, when not in actual use at a government-owned reservoir, must be:

1. Removed from the reservoir;

2. Securely moored at an authorized dock or boathouse where supervision by the owner or his or her representative is provided on a twenty-four (24) hour basis; or

3. Placed in the care of a marina concessionaire, state or local managing agency, or other party authorized to care for floating equipment on a twenty-four (24) hour basis.

D. No motorboat or other vessel may be placed upon a government-owned reservoir for use as a dwelling of either a permanent or temporary nature.

E. A barge, floating facility, motorboat, or other vessel may be moored only in locations designated by the government agency which manages the reservoir. All floating or stationary mooring facilities must be constructed in accordance with plans approved by the managing government agency.

F. Abandonment of personal property on the land or waters of government-owned reservoir is prohibited.

G. Gasoline, oil, and other flammable or combustible liquids may not be stored upon or about a government-owned reservoir or the shores of the reservoir without written permission from the managing government agency.

H. Private notices and advertisements may not be posted, distributed, or displayed at a government-owned reservoir except as the managing government agency may consider necessary for the convenience and guidance of the public using the area for recreational purposes.

I. No person may engage in or solicit any business at a government-owned reservoir unless the activities are permitted under the terms of a lease, license, or concession contract with the government agency which manages that reservoir.

J. Motorboats are limited to a maximum of ten (10) horsepower on some of the smaller government-owned reservoirs. Boats having motors greater than ten (10) horsepower must have the propeller removed or have the motor raised to the maximum trailerable limit while operating on these reservoirs.

**DETAILED REGULATIONS MAY BE OBTAINED
AT THE LOCAL RESERVOIR OFFICE.**

**SECTION XX. SPECIAL REQUIREMENTS FOR MOTORBOATS
THAT CARRY PASSENGERS FOR HIRE**

A. Motorboats that carry passengers for hire must be provisioned with a Type I personal flotation device for each person carried. Such motorboats must also be provisioned with an additional number of Type I personal flotation devices suitable for children equal to at least ten percent (10%) of the maximum number of persons carried, unless the service is such that children are never carried.

B. All personal flotation devices prescribed by these regulations must be Coast Guard Approved, must be maintained in a good and serviceable condition, and must be readily available for use at all times.

C. Motorboats while carrying passengers for hire must be operated and navigated by a person licensed by the U.S. Coast Guard. This provision does not apply to outfitters and guides licensed under article two, chapter twenty (§20-2-23) of the West Virginia Code, 1931, as amended.

D. Motorboats carrying more than six (6) passengers for hire must be inspected and certified by the U.S. Coast Guard.

SECTION XXI. PENALTIES

A. When the death of a person occurs within one year as the result of injury received by any motorboat or vessel in this state in reckless disregard of the safety of others, the person operating the motorboat or vessel shall be guilty of negligent homicide. Any person convicted of negligent homicide shall be punished by imprisonment for not more than one (1) year or be fined from one hundred dollars (\$100) to one thousand dollars (\$1,000), or both fined and imprisoned. The Division shall suspend the individual's privilege to operate a motorboat or vessel in this state for a period of five (5) years from the date of conviction.

B. Any person violating any other provision of the laws or rules for operating a motorboat or vessel shall be guilty of a misdemeanor and shall be fined and/or confined in jail, in accordance with article seven, chapter twenty (§20-7-9 and §20-7-18b) of the West Virginia code.

REQUIRED EQUIPMENT

PERSONAL FLOTATION DEVICES (PFD)

There are four (4) basic things you should keep in mind concerning your PERSONAL FLOTATION DEVICES:

1. You must have one on board for each person in the vessel or being towed. Racing shells and rowing skulls are exempt from this requirement.
2. Each PERSONAL FLOTATION DEVICE must be kept readily or immediately accessible, as required in Section X of this regulation. They should be worn or at least be close at hand where they can be reached quickly in an emergency.
3. Each PERSONAL FLOTATION DEVICE must be Coast Guard Approved and bear the approval stamp and number.
4. Flotation devices must be maintained in a good and serviceable condition. This means that the straps must be firmly affixed, there should be no rips, tears, or holes which will affect the operating efficiency of the device, and there should be no leaks in the plastic bags containing the flotation material. This can be checked by squeezing each bag and listening for escaping air.

Non-swimmers should ALWAYS wear their personal flotation devices, and in hazardous waters or during severe weather conditions, everyone should don his or her device.

TYPE I-- Type I personal flotation devices have the greatest required buoyancy (22 lbs.) and are designed to turn most unconscious persons in the water from face down to vertical and slightly backward position, and maintain them in that position. The Type I is suitable for all waters, especially for cruising where there is the probability of delayed rescue, such as large bodies of water where there are few other boats. The Type I is easiest to don in an emergency because it is reversible, comes in only two sizes (adult 90 lbs. or over, and child less than 90 lbs.) and has a maximum of three fittings. The Type I, however, is the bulkiest and most uncomfortable to wear.

TYPE II-- The Type II personal flotation device (buoyant vest) has 15.5 lbs. of buoyancy and comes in four sizes: adult (more than 90 lbs.), medium child (50 lbs. to 90 lbs.), small child less than 50 lbs.) and infant (less than 30 lbs.). It is designed to turn the wearer to a vertical and slightly backward position in the water, but the turning action is not as great as the Type I. You may prefer the Type II to the Type I as it is usually more comfortable to wear.

TYPE III-- The Type III personal flotation device (marine buoyant device) is designed in a wide variety of colors and sizes and is becoming the most popular type of PFD. It is designed to enhance a variety of water sports activities such as whitewater paddling, water skiing, and fishing. A Type III PFD is not designed to turn an unconscious victim to a vertical or slightly backward position. However, once a person assumes this position, this PFD will maintain it. The Type III has a minimum of 15.5 lbs. buoyancy and is normally the most comfortable to wear.

TYPE IV-- The Type IV (throwable) personal flotation device is designed to be grasped or held by the user or be thrown to a person in the water. To use, hold onto the cushion or ring buoy by the straps or rope. NEVER wear a cushion on your back. This tends to force the wearer's face into the water.

TYPE V-- Type V (restricted special purpose devices) are approved only for the activities listed on the label. Some Type V PFDs are approved for whitewater rafting, boardsailing, and other activities.

FIRE EXTINGUISHERS

Fire extinguishers must be Coast Guard Approved and bear the approval stamp and number. They must be readily accessible and be in good operating condition. Each extinguisher must be full and the seal unbroken. Never discharge an extinguisher to check its fullness. A Type B-I dry chemical extinguisher will last only about five (5) seconds under ideal conditions.

FLAME ARRESTOR

A backfire flame control device is required on gasoline inboard engines. Each carburetor shall have a Coast Guard Approved Flame Arrestor installed.

MANDATORY BOATER EDUCATION

**ALL PERSONS BORN
AFTER DECEMBER 31, 1986 MUST COMPLETE A
BOATING EDUCATION COURSE BEFORE OPERATING A
MOTORBOAT IN THIS STATE.**

**FOR INFORMATION ON CLASSES, CALL THE NEAREST
DIVISION OF NATURAL RESOURCES LAW
ENFORCEMENT SECTION OFFICE OR YOUR
LOCAL CONSERVATION OFFICER.**

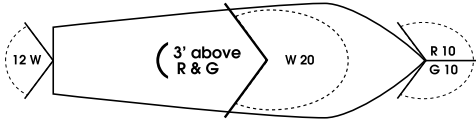
REQUIRED EQUIPMENT	Class A (Under 16 feet in length)	Class 1 (16 feet, but under 26)	Class 2 (26 feet, but under 40)	Class 3 (40 feet and over)
PERSONAL FLOTATION DEVICES	At least one TYPE I, II or III for each person on board or being towed. Persons on a PWC or being towed by a PWC must wear a TYPE I, II, or III.	At least one TYPE I, II or III for each person on board or being towed: plus one TYPE IV throwable device. (Canoes and kayaks, 16 feet and over, are exempt from the carriage requirements of the TYPE IV throwable device.)		
FIRE EXTINGUISHERS (No Fixed System)	At least one TYPE B-I approved fire extinguisher unless the construction is such that explosive or flammable vapors cannot be trapped; there are no closed compartments; there are no permanently installed fuel tanks (including all tanks over 12 gallon capacity).		One TYPE B-II approved fire extinguisher or two B-I types.	Three TYPE B-I approved fire extinguishers, or one type B-II and one TYPE B-I.
FIRE EXTINGUISHERS (With Fixed System)	NONE	NONE	One TYPE B-I	Two TYPE B-I or two TYPE B-II.
WHISTLE	Except for personal watercraft, one mouth or power operated type which is audible at least 1/2 mile.	One mouth or power operated type which is audible at least 1/2 mile.	One hand or powered type which is audible at least one mile.	One powered type which is audible at least one mile.
BELL	NONE, but "Rules of the Road" require that proper signals be sounded.	NONE, but "Rules of the Road" require that proper signals be sounded.	One, producing a clear, round tone.	

LIGHTS

**MUST BE DISPLAYED FROM SUNSET TO
SUNRISE AND DURING TIMES OF LOW VISIBILITY**

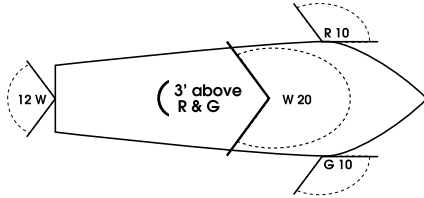
AT ANCHOR, DISPLAY A 360° WHITE LIGHT....
REMEMBER: WHEN YOU ARE DRIFTING, YOU ARE UNDERWAY.

INTERNATIONAL RULES

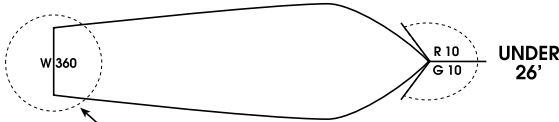


10 = 10 pts
1 pt = 11 1/4°
W = WHITE
R = RED
G = GREEN

W 20 light on craft 40'
or over must be 9'
above the gunwales

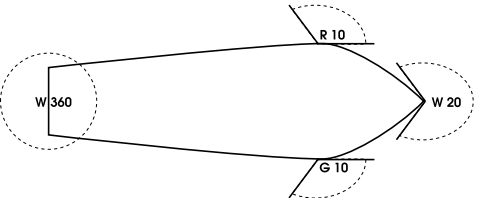


INLAND RULES



higher than
bow lights

26' and
LONGER



International Rules: The 12 point white light must be visible for 2 miles; the 20 point white light for 3 miles; and the colored lights for 1 mile.

Inland Rules: (Also WESTERN RIVERS) The white lights must be visible for 2 miles and the colored lights for 1 mile.



ROWBOATS must display a 360° white light
in time to avoid a collision at night.....

RULES of the ROAD

Signaling

PASSING TO STARBOARD

1 - Blast-short (1 sec.)

PASSING TO PORT

2 - Blasts-short

GOING ASTERN

3 - Blasts-short

4 or more rapid Whistle Blasts means DANGER

Maneuvering

Boats Approaching Head On
Should Turn Toward Starboard

Boats Approaching From
Starboard Have the
Right-of-Way

DANGER ZONE

*** SAILBOATS AND ROWBOATS USUALLY HAVE THE RIGHT-OF-WAY OVER POWERED BOATS.**

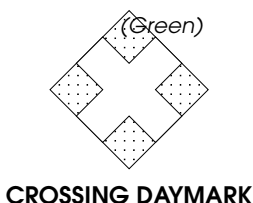
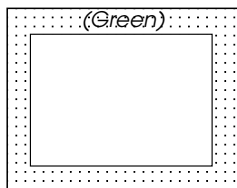
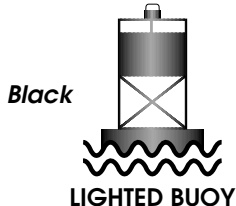
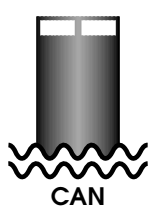
NOTE: THE PRUDENTIAL RULE FOR NAVIGATION PERMITS OPERATORS TO DEVIATE FROM THE ABOVE RULES IF IT IS DEEMED NECESSARY IN ORDER TO AVOID IMMEDIATE COLLISION...

FOG SIGNALS

- AT ANCHOR VESSELS MUST SOUND SIGNALS BY THE RAPID RINGING OF A BELL (5 SEC.) ONCE EACH MINUTE.
- UNDERWAY VESSELS MUST SOUND A 4-6 SECOND BLAST AT ONE MINUTE INTERVALS.
- SAILBOATS UNDERWAY SOUND ONE BLAST WHEN ON A STARBOARD TACK. TWO BLASTS ON A PORT TACK AND THREE BLASTS WHEN THE WIND IS ABAFT THE BEAM.

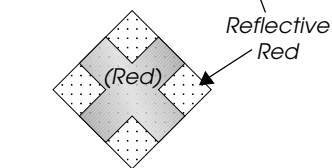
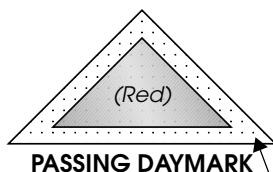
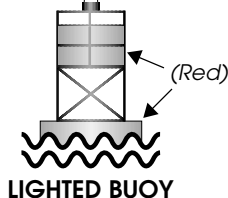
AIDS to NAVIGATION

WESTERN RIVERS WHITE OR GREEN

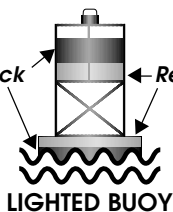
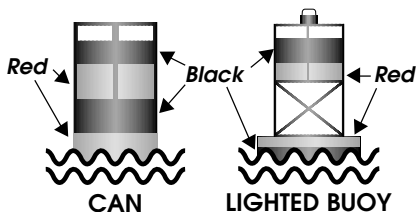


RIGHT SIDE OF CHANNEL (DESCENDING)
LEFT SIDE OF CHANNEL (DESCENDING)

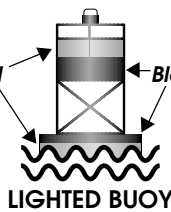
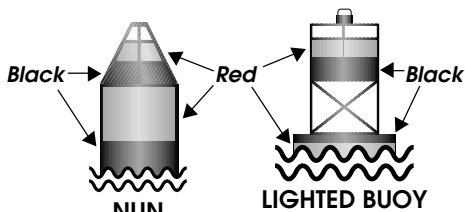
BUOYAGE SYSTEM WHITE OR RED



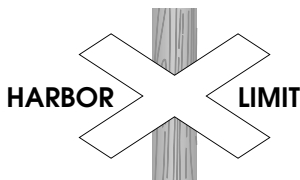
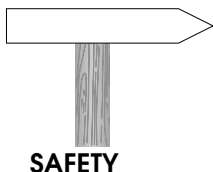
JUNCTION BUOYS MARKS JUNCTIONS AND OBSTRUCTIONS PASS ON EITHER SIDE



PREFERRED
CHANNEL TO THE LEFT



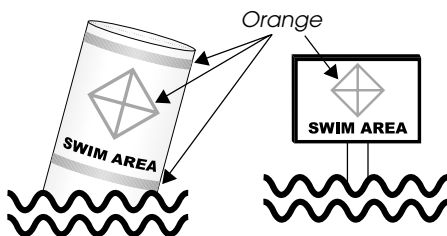
PREFERRED
CHANNEL TO THE RIGHT



176.9

A Mile Board
•statute miles

UNIFORM STATE WATERWAYS Marking System



◇ -- This design on buoys or signs means **BOATS KEEP OUT ...** Marks rapids, waterfalls, swimming areas and other restricted areas.



ROCK

This design on buoys or signs means **BOATS BEWARE / DANGER ...** Marks rocks, dams, snags, and other water hazards.



This design on buoys or signs means **OBEY / CAUTION ...** Marks no-skiing areas, speed zones, no anchoring and other areas where caution should be exercised.



This design on bouys or signs means **INFORMATION ...** Tells distances, locations and other official information.

Cardinal System:

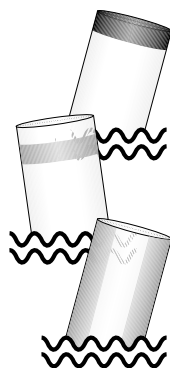
used where there is no well-defined channel, or where an obstruction can be approached from different directions.

BLACK-TOPPED WHITE BUOY, indicates a boat should pass to North or East of it. If used, reflector is white and light is white (flashing).

RED-TOPPED WHITE BUOY, indicates a boat should pass to South or West of it. If used, reflector is white, and light is white (flash).

RED AND WHITE VERTICAL STRIPED, indicates that a boat should not pass between the buoy and shore.

**Buoys may be sparse.*



Lateral System:

used where there is a well-defined channel.



WHEN PROCEEDING UPSTREAM,
KEEP BLACK BUOYS ON LEFT
KEEP RED BUOYS ON RIGHT

